

REMARKS/ARGUMENTS

The present amendment is in response to the Office Action mailed July 9, 2004, in which Claims 1 through 8 were rejected. Applicant has thoroughly reviewed the outstanding Office Action including the Examiner's remarks and the reference cited therein. The following remarks are believed to be fully responsive to the Office Action and, when coupled with the amendments made herein, are believed to render all claims at issue patentably distinguishable over the cited references.

Independent Claims 1, 2, 5 and 6 are amended herein. No claims are cancelled. No claims are added. Accordingly, Claims 1 through 8 remain pending.

All the changes are made for clarification and are based on the application and drawings as originally filed. It is respectfully submitted that no new matter is added.

Applicant respectfully requests reconsideration in light of the above amendments and the following remarks.

REQUEST FOR INTERVIEW

With respect to **Paragraph 1** of the Office Action, the undersigned attorney acknowledges the telephone call courteously made by the Examiner and apologizes for not meeting with the Examiner as offered. A scheduling conflict necessitated the absence. However, the undersigned sincerely

appreciates the Examiner's courtesy in this regard.

DRAWINGS

With respect to **Paragraph 2** of the Office Action, Applicant acknowledges with thanks the Examiner's approval of the drawings.

CLAIM REJECTIONS - 35 U.S.C. SECTION 112, 1st PARAGRAPH

With respect to **Paragraph 4** of the Office Action, the Examiner rejected Claims 1 through 8 under 35 U.S.C. Section 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner stated that the claims contained subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the description was filed, had possession of the claimed invention. The Examiner identified the "biasing element" as not being included in the description as filed.

Applicant has cancelled this subject matter from the claim and has replaced it with "said ratcheting means *being formed to have a tension whereby one of said first ratcheting teeth or said second ratcheting teeth are pressed inwardly toward the other of said second ratcheting teeth or said first ratcheting teeth.*" This language is included in the specification as originally filed at page 6, lines 20 - 22.

Reconsideration and withdrawal of the Examiner's rejections under 35

U.S.C. Section 112, paragraph 1, are respectfully requested

CLAIM REJECTIONS - 35 U.S.C. SECTION 112, 2nd PARAGRAPH

With respect to **Paragraph 5** of the Office Action, the Examiner rejected Claims 1 through 8 under 35 U.S.C. Section 112, second paragraph, as being indefinite. Specifically:

- The Examiner stated that there was no clear structure set forth for a biasing element having first teeth thereon. In response, Applicant has cancelled the "biasing element" and has replaced it with language directed to the tensioning structure.
- The Examiner stated that the structure of the connection between the inner cap and the outer cap is not clearly set forth in the claims and more particularly that there was no structure in Claims 1 and 5 for fixedly coupling the inner cap to the outer cap. In response, Applicant has amended independent Claims 1 and 5 by changing "fixedly coupled" to --integrally connected-- and has amended dependent Claims 2 and 6 to define the integral connection as being formed by the fixed protrusions and grooves.

Reconsideration and withdrawal of the Examiner's rejections under 35 U.S.C. Section 112, second paragraph, are respectfully requested

CONCLUSION

In light of the above amendments and remarks, Applicant respectfully

submits that all pending Claims 1 through 8 as currently presented are in condition for allowance. If, for any reason, the Examiner disagrees, please call the undersigned attorney at 248-433-7552 in an effort to resolve any matter still outstanding *before* issuing another action. The undersigned attorney is confident that any issue which might remain can readily be worked out by telephone.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. Moga', with a stylized flourish at the end.

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TTM/hs